

**Remarks**

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1-3, 5-8, 11-13, and 15-18 are amended, claims 4, 10, 14, and 20 are canceled, and claims 21-29 are added. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. FIGS. 2-3 and the specification have been amended to correct typographical errors. Support for the amendments can be found throughout the specification (e.g., page 2, lines 3-22; page 6, line 1, to page 7, line 3, and page 9, line 21, to page 11, line 8), drawings (e.g., FIGS. 1-3), and claims and thus, no new matter has been added. Claims 1-3, 5-9, 11-13, 15-19, and 21-29 are pending.

**Specification Objections:**

The Office Action (paragraph 1, page 2) stated:

The disclosure is objected to because of the following informalities:

On page 1 lines 4-13, the data on the related and incorporated cases should be updated.

The specification is amended herein to provide the requested update in the CROSS-REFERENCE TO RELATED APPLICATIONS section.

Withdrawal of the objection to the disclosure is therefore respectfully requested.

**Drawing Objections:**

The Office Action (paragraph 2, page 2) stated:

The drawings are objected to because in figure 2 element 220, and figure 3 element 224 “gage” should be changed to --gauge--.

Replacement drawing sheets 2-3 submitted herewith include revised FIGS. 2-3 that change “gage” to --gauge-- in elements 220 and 224. Approval and entry of the replacement drawing sheets 2-3 is respectfully requested.

Withdrawal of the objection to the drawings is therefore respectfully requested.

Claim Rejections - 35 U.S.C. § 112:

Claims 1-8 and 10-20 are rejected under 35 U.S.C. § 112, second paragraph, as containing a term that allegedly is indefinite because the specification does not clearly redefine the term. This rejection is respectfully, but most strenuously, traversed.

The Office Action (paragraph 4, page 2) stated:

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “splitter” in claims **1-8, and 10-20** is used by the claim to mean “a device used [to] output a filtered signal and a bypassed signal from an input signal”, while the accepted meaning is “a device used to output one or more filtered signals from an input signal”. The term is indefinite because the specification does not clearly redefine the term.

In a bona fide attempt to advance prosecution, applicants have amended claim 1 presented herewith to recite: “wherein the splitter comprises a plain old telephone service and asymmetric digital subscriber line splitter, wherein the second line is convertible from a plain old telephone service line to a plain old telephone service and asymmetric digital subscriber line on a basis of an individual unit that comprises the plain old telephone service and asymmetric digital

subscriber line splitter and the subset of the plurality of lines.” Exemplary support for the recited plain old telephone service and asymmetric digital subscriber line splitter appears in the specification at page 9, line 21, to page 10, line 2:

Still referring to FIGS. 1-2, main distribution frame 136 in one example sends signal 176 across line 124 to splitter 134. Signal 176 in one example comprises POTS and asymmetric digital subscriber line signal 178. Splitter 134 in one example employs POTS and asymmetric digital subscriber line signal 178 to obtain POTS signal 180 and POTS and asymmetric digital subscriber line signal 182, as described herein.

Withdrawal of the § 112 rejection is therefore respectfully requested.

Claim Rejections - 35 U.S.C. §§ 102 and 103:

Claims 1, 3-6, 9, 11, 13-16, and 19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Swam (U.S. Patent No. 6,728,367). Claims 2 and 12 are rejected under U.S.C. § 103(a) as being unpatentable over Swam in view of McNamara, et al. (U.S. Patent No. 5,974,139; “McNamara”). Claims 7-8 and 17-18 are rejected under U.S.C. § 103(a) as being unpatentable over Swam in view of Guenther, et al. (U.S. Patent No. 6,438,226; “Guenther”). Claims 10 and 20 are rejected under U.S.C. § 103(a) as being unpatentable over Swam in view of Bingel, et al. (U.S. Patent No. 6,744,883; “Bingel”). These rejections are respectfully, but most strenuously, traversed.

It is well-settled that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function. Since the Office Action’s citation to the applied reference is missing at least one element of each of applicants’ independent claims, applicants respectfully submit that the claimed invention is not anticipated by the Office Action’s citation to the applied reference, as further discussed below.

Applicants respectfully submit that the Office Action's citations to the applied references, with or without combination and/or modification, assuming, *arguendo*, that the combination and/or modification of the Office Action's citations to the applied references is proper, do not teach or suggest one or more elements of the claimed invention, as further discussed below.

For explanatory purposes, applicants discuss herein one or more differences between the Office Action's citations to the applied references and the claimed invention with reference to one or more parts of the applied references. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the Office Action's citations to the applied references correspond to the claimed invention.

Applicants respectfully submit that the Office Action's citations to the applied references do not teach or suggest one or more elements of the claimed invention. A careful reading of the Office Action's citations to the applied references fails to teach or suggest, for example, that the central office comprises the main distribution frame and the switch, wherein the main distribution frame is coupled with the first line of the subset of the plurality of lines, wherein the switch is coupled with the second line of the subset of the plurality of lines, wherein the first line is different from the second line; wherein the splitter is configured to be connectable with the first line and the second line without employment of the splitter shelf; wherein the splitter comprises the plain old telephone service and asymmetric digital subscriber line splitter, wherein the second line is convertible from the plain old telephone service line to the plain old telephone service and asymmetric digital subscriber line on the basis of the individual unit that comprises the plain old telephone service and asymmetric digital subscriber line splitter and the subset of the plurality of lines, as recited in applicants' independent claim 1.

Swam (column 4, lines 58-64) discloses an apparatus and method to provide for filtering of voiceband and specified tone frequencies of a mixed voice/data signal:

A mixed voice/data signal, such as an ADSL signal 34, is transmitted from an ADSL loop to an input of MDF 22. MDF 22 transmits the mixed voice/data signal 34 to an input of POTS splitter 24. As best seen in FIG. 2, POTS splitter 24 separates a mixed voice/data signal 34 (e.g., ADSL signal) into a data signal stream 44 and a voice/tone signal stream 46.

The POTS splitter 24 receives and filters the mixed voice/data signal 34 to produce the data signal stream 44 and the voice/tone signal stream 46. The Office Action's citation to Swam fails to disclose the POTS splitter 24 being configured to be connectable with the voice switch 28 and the MDF 22 without employment of a splitter shelf in the central office. In addition, the Office Action's citation to Swam also fails to disclose a line that is convertible from a plain old telephone service line to a plain old telephone service and asymmetric digital subscriber line on the basis of an individual unit that comprises the POTS splitter 24 and a subset of a plurality of lines. Simply missing from the Office Action's citation to Swam is any mention that the central office comprises the main distribution frame and the switch, wherein the main distribution frame is coupled with the first line of the subset of the plurality of lines, wherein the switch is coupled with the second line of the subset of the plurality of lines, wherein the first line is different from the second line; wherein the splitter is configured to be connectable with the first line and the second line without employment of the splitter shelf; wherein the splitter comprises the plain old telephone service and asymmetric digital subscriber line splitter, wherein the second line is convertible from the plain old telephone service line to the plain old telephone service and asymmetric digital subscriber line on the basis of the individual unit that comprises the plain old telephone service and asymmetric digital subscriber line splitter and the subset of the plurality of lines. This point is even conceded by the Office Action (paragraph 10, page 9):

Swam fails to expressly disclose where the plurality of lines is convertible from a plain old telephone service line to a plain old telephone service and asymmetric digital subscriber line on a basis of an individual unit that comprises the splitter and the subset of the plurality of lines.

So, the Office Action's citation to Swam fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

#### SWAM AND BINGEL

The shortcomings of the Office Action's citation to Swam relative to certain elements of the claimed invention have been discussed above. The Office Action proposes a combination of the citation to Swam with a citation to Bingel. However, the Office Action's citation to Bingel does not overcome the deficiency of the Office Action's citation to Swam. Applicants respectfully submit that the proposed combination of the Office Action's citation to Swam with the Office Action's citation to Bingel fails to provide the required configuration, assuming, *arguendo*, that the combination of the Office Action's citation to Swam with the Office Action's citation to Bingel is proper.

Bingel (column 10, lines 23-33) discloses a filter system:

For bi-directional transmission lines, such as the two-wire subscriber loop, a POTS splitter may be used to perform a splitting function for frequency-division multiplexed signals traveling in one direction and to perform a combining function for frequency-division multiplexed signals traveling in the other direction. Thus, the POTS splitters 145a, 145b, 145c, and 145d are used to combine and split POTS and xDSL signals on the media that is shared by using frequency-division multiplexing on the xDSL loops 135a and 135b.

The POTS splitters 145a, 145b, 145c, and 145d split and combine POTS and xDSL signals to enable bi-directional traffic. The Office Action's citation to Bingel fails to disclose the POTS splitters 145a, 145b, 145c, and 145d being configured to be connectable with the CO

circuit switches 106a and 106b and a main distribution frame without employment of a splitter shelf in the central office. Simply missing from the Office Action's citation to Swam is any mention that the central office comprises the main distribution frame and the switch, wherein the main distribution frame is coupled with the first line of the subset of the plurality of lines, wherein the switch is coupled with the second line of the subset of the plurality of lines, wherein the first line is different from the second line; wherein the splitter is configured to be connectable with the first line and the second line without employment of the splitter shelf.

So, the Office Action's citation to Bingel fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

#### SWAM AND McNAMARA

The shortcomings of the Office Action's citation to Swam relative to certain elements of the claimed invention have been discussed above. The Office Action proposes a combination of the citation to Swam with a citation to McNamara. However, the Office Action's citation to McNamara does not overcome the deficiency of the Office Action's citation to Swam. Applicants respectfully submit that the proposed combination of the Office Action's citation to Swam with the Office Action's citation to McNamara fails to provide the required configuration, assuming, *arguendo*, that the combination of the Office Action's citation to Swam with the Office Action's citation to McNamara is proper.

McNamara (column 7, lines 57-67) discloses a path for carrying unfiltered ADSL and POTS signals to and from the central office:

The LID 70, as shown in more detail in FIG. 4, has a low pass filter 80 for providing the low pass filtering of the POTS signals for all POTS terminal devices 24. The low pass filter 80 has its input connected to the cord 66 carrying both the POTS signals and the ADSL signals and its output connected to the cord

64 carrying the filtered POTS signals. The bypass line 75 supplies all of the incoming signals, the POTS signals and the ADSL signals, to the jack 53 where the ADSL interconnect wire 52 is connected.

The bypass line 75 carries both POTS signals and the ADSL signals to the jack 53. The Office Action's citation to McNamara fails to disclose a splitter being configured to be connectable with the a switch and a main distribution frame without employment of a splitter shelf in the central office. In addition, the Office Action's citation to McNamara also fails to disclose a line that is convertible from a plain old telephone service line to a plain old telephone service and asymmetric digital subscriber line on the basis of an individual unit that comprises the splitter and a subset of a plurality of lines. Simply missing from the Office Action's citation to Swam is any mention that the central office comprises the main distribution frame and the switch, wherein the main distribution frame is coupled with the first line of the subset of the plurality of lines, wherein the switch is coupled with the second line of the subset of the plurality of lines, wherein the first line is different from the second line; wherein the splitter is configured to be connectable with the first line and the second line without employment of the splitter shelf; wherein the splitter comprises the plain old telephone service and asymmetric digital subscriber line splitter, wherein the second line is convertible from the plain old telephone service line to the plain old telephone service and asymmetric digital subscriber line on the basis of the individual unit that comprises the plain old telephone service and asymmetric digital subscriber line splitter and the subset of the plurality of lines.

So, the Office Action's citation to McNamara fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

## SWAM AND GUENTHER

The shortcomings of the Office Action's citation to Swam relative to certain elements of the claimed invention have been discussed above. The Office Action proposes a combination of the citation to Swam with a citation to Guenther. However, the Office Action's citation to Guenther does not overcome the deficiency of the Office Action's citation to Swam. Applicants respectfully submit that the proposed combination of the Office Action's citation to Swam with the Office Action's citation to Guenther fails to provide the required configuration, assuming, *arguendo*, that the combination of the Office Action's citation to Swam with the Office Action's citation to Guenther is proper.

Guenther (column 4, lines 58-63) discloses a splitter assembly for a main distribution frame:

Terminals 26 are for termination of at least two wires for electrical connection of the two wires. Terminals may be any of a variety of terminals, for example, wire wrap pins, insulation displacement (IDC) pins, pins for soldering, connectors or other kind of electrical contact.

The xDSL splitter assembly comprises an array 24 of terminals 26 for electrical connections. The array 24 of terminals 26 in one embodiment comprise wire wrap pins. The Office Action's citation to Guenther fails to disclose a splitter being configured to be connectable with the a switch and a main distribution frame without employment of a splitter shelf in the central office. In addition, the Office Action's citation to Guenther also fails to disclose a line that is convertible from a plain old telephone service line to a plain old telephone service and asymmetric digital subscriber line on the basis of an individual unit that comprises the splitter and a subset of a plurality of lines. Simply missing from the Office Action's citation to Swam is any mention that the central office comprises the main distribution frame and the switch, wherein the main distribution frame is coupled with the first line of the subset of the plurality of lines,

wherein the switch is coupled with the second line of the subset of the plurality of lines, wherein the first line is different from the second line; wherein the splitter is configured to be connectable with the first line and the second line without employment of the splitter shelf; wherein the splitter comprises the plain old telephone service and asymmetric digital subscriber line splitter, wherein the second line is convertible from the plain old telephone service line to the plain old telephone service and asymmetric digital subscriber line on the basis of the individual unit that comprises the plain old telephone service and asymmetric digital subscriber line splitter and the subset of the plurality of lines.

So, the Office Action's citation to Guenther fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

The Office Action's citations to Swam, Bingel, McNamara, and Guenther all fail to meet at least one of applicants' claimed features. For example, there is no teaching or suggestion in the Office Action's citations to Swam, Bingel, McNamara, or Guenther that the central office comprises the main distribution frame and the switch, wherein the main distribution frame is coupled with the first line of the subset of the plurality of lines, wherein the switch is coupled with the second line of the subset of the plurality of lines, wherein the first line is different from the second line; wherein the splitter is configured to be connectable with the first line and the second line without employment of the splitter shelf; wherein the splitter comprises the plain old telephone service and asymmetric digital subscriber line splitter, wherein the second line is convertible from the plain old telephone service line to the plain old telephone service and asymmetric digital subscriber line on the basis of the individual unit that comprises the plain old telephone service and asymmetric digital subscriber line splitter and the subset of the plurality of lines, as recited in applicants' independent claim 1.

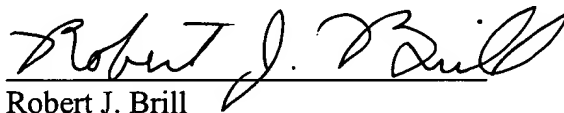
Furthermore, the Office Action does not allege that the art of record provides any teaching, suggestion, or incentive for modifying the citations to Swam, Bingel, McNamara, and/or Guenther to provide the claimed configuration.

For all the reasons presented above with reference to claim 1, claims 1 and 11 are believed neither anticipated nor obvious over the art of the record. The corresponding dependent claims are believed allowable for the same reasons as independent claims 1 and 11, as well as for their own additional characterizations.

Withdrawal of the §§ 102 and 103 rejections is therefore respectfully requested.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert J. Brill", written over a horizontal line.

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